

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEFFREY A. WOLGAST,

Plaintiff,

v.

Case Number 05-10278-BC
Honorable Thomas L. Ludington

JOHN RICHARDS,

Defendant.

_____ /

**ORDER ADOPTING JUDGE BINDER'S REPORT AND RECOMMENDATION AND
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 122] on December 9, 2010, recommending that the Court deny the renewed motion for summary judgment filed by Defendant John Richards [Dkt. # 87]. Any party may serve and file written objections to a report and recommendation “[w]ithin fourteen days after being served with a copy” of the report. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report and recommendation the Court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder’s report and recommendation [Dkt. # 122] is **ADOPTED**.

It is further **ORDERED** Defendant's renewed motion for summary judgment [Dkt. # 87] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 14, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 14, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS